

New York State Department of Environmental Conservation

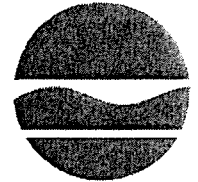
Division of Water

Bureau of Water Permits, 4th Floor

625 Broadway, Albany, New York 12233-3505

Phone: (518) 402-8111 • FAX: (518) 402-9029

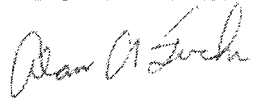
Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

MEMORANDUM

TO: Regional Water Engineers, Bureau Directors, and BWP Section Chiefs

FROM: Alan A. Fuchs, Director, Bureau of Water Permits 

SUBJECT: 1000 GPD Threshold for SPDES Permitting of Sanitary Wastewater Discharges to Groundwater

DATE: September 1, 2009

The purpose of this memo is to provide guidance concerning the 1000 gallon per day flow threshold that must be reached before a discharge of sanitary wastewater to groundwater requires a SPDES permit.

The current Environmental Conservation Law Section 17-0701(6) specifies that a SPDES permit "shall not be required ... when such disposal system, point source or outlet is designed to discharge or discharges sewage effluent without the admixture of industrial wastes or other wastes to the ground waters of the state when such discharge consists of a flow of less than one thousand gallons per day." This language is repeated in 6NYCRR Part 750-1.5(a)(4)(i).

The focus of this exemption is on the individual system. Therefore, a property may contain one or more sanitary subsurface disposal systems and if each is "designed to discharge or discharges" less than 1000 gpd then no SPDES permit is required, even if the sum of discharge flows (design or actual) from multiple independent systems is greater than 1000 gpd. For example, a trailer park with ten independent sanitary wastewater disposal systems of 400 gpd each discharging to groundwater cannot be required to obtain a SPDES permit.

In cases where a facility is currently permitted in accordance with the previous law but is now exempt from permitting under the current law the permit should be deleted.

Attached is a May 12, 1995 letter by Wiley Lavigne which I believe provides a good summary of how this issue has evolved over the years. In addition, please note that these facilities must still comply with Health Department requirements.

Please contact Shayne Mitchell at 518-402-8125 if you have any questions.

Attachment

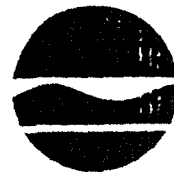
Cc: J. DeZolt S. Crisafulli

**New York State Department of Environmental Conservation
Division of Water, Region 3**

100 Hillside Avenue Suite 1W White Plains, New York 10603-2860

Phone: (914) 428-2505 • FAX: (914) 428-0323

Website: www.dec.ny.gov



Alexander B. Granni:
Commissioner

hgf

November 13, 2009

Mr. Charles T. Browne, P.E.
Taconic Design Engineering, LLC
3125 Route 9W - Suite 201
New Windsor, NY 12553

Re: SPDES Determination for the
Lands of Brian Singer
Pine Island, Town of Warwick

Dear Mr. Brown;

Thank you for your letter dated October 22, 2009 requesting confirmation from this Department regarding the need for a State Pollutant Discharge Elimination System (SPDES) permit for the referenced site.

Based on the information provided in your letter and the attached drawings, there appears to be eight sources of wastewater with four associated discharge points and a total volume of 2075 gallons. The Department's regulations require a valid SPDES permit must be issues for groundwater discharges greater than 1000 gallons per day. Since no individual system discharge meets this threshold, it does not appear that a SPDES permit is required for these sanitary wastewater discharges.

However, some of the volumes identified in your Septic Flow Schedule appear to be low, and there is no supporting documentation on facility use to verify the proposed flow. Therefore, it will be up to the Orange County Health Department to determine the appropriate flow confirmation for each discharge. If this remains below 1000 g.p.d., a SPDES permit is not required.

If you have any questions regarding this matter, please call me at (914) 428-2505 ext. 350.

Sincerely,

Thomas Rudolph, P.E.
Regional Water Engineer

cc: Orange County Health Department
Manju Cherian, P.E. - NYSDEC, White Plains

Schlieffer OCHD

Manfred

mf

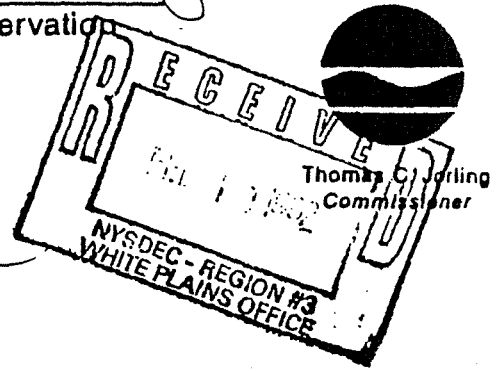
New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233

Date: February 3, 1992

To: Fred Sievers

From: Dan Campbell

Subject: SPDES Permits



This is in response to your inquiry of January 28. While Sal's February 11, 1991 memo to Ron Bernhard may have general applicability, it was sent in response to a specific set of circumstances. Therefore, I would look at it and the contents of your January 24 memo to Region 4 Water Staff in the context of Article 17.

Reworded, §17-0701.5 states that a SPDES permit is not required for a disposal system from premises discharging less than 1000 gallons per day of domestic sewage to groundwater.

Looking at the examples contained in your January 24 memo, I concur with numbers 1 through 4. However, in example number 5, I would regard the disposal of sanitary waste from a commercial building of single occupancy as a disposal system, regardless of whether it consists of single or multiple discharges. Thus, if the system discharges over 1000 gpd, a SPDES permit is required and the permit would address all discharges from the system. If the system discharges less than 1000 gpd, a SPDES permit is not required.



New York State Department of Environmental Conservation

MEMORANDUM

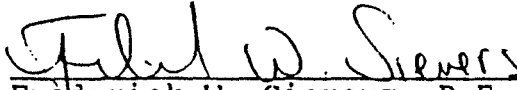
TO: Water Staff
FROM: Frederick Sievers
SUBJECT: SPDES Permit Requirements
for Small Systems
DATE: January 24, 1992

Once again the issue of the need for SPDES permits for small wastewater disposal systems, consisting of only sanitary waste, has been raised. Perhaps at this time it would be good to review the Region's philosophy relative to the need for permits for these facilities. In 1990, the Environmental Conservation Law was modified to the extent that the exemption now applies to any groundwater discharges of sanitary sewage when the discharge from such a disposal system is less than 1,000 gallons per day. The Regional Attorney has interpreted that to mean that any disposal system with a flow of less than 1,000 gallons per day on any property, irrespective of the total number of discharges on that property (or the number of structures), is exempt from the necessity of obtaining a SPDES permit.

Thus, it is Regional Division of Water's position and recommendation that, as long as the flow from any given disposal system is less than 1,000 gallons per day and consists of only sanitary waste being discharged to ground waters, it will not require a SPDES permit. Examples of our interpretation are as follows: Each of the examples assumes a groundwater discharge consisting of only sanitary wastewater.

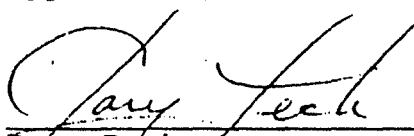
1. A discharge from a septic tank tile field system serving an individual residence with flows of less than 1,000 gpd.
2. A trailer park, consisting of 50 trailer lots each with its own individual wastewater disposal system, consisting of a septic tank and seepage pit each of less than 1,000 gpd.
3. A mobile home park where trailers are clustered into common wastewater systems, each consisting of a septic tank, tile field, with a design flow of less than 1,000 gpd.
4. A commercial building with different occupancies, each of which has its own wastewater system of less than 1,000 gpd.
5. A commercial building of single occupancy where sewer service is provided by a number of small systems, each less than 1,000 gpd. In this case, if one of the wastewater systems was designed to handle in excess of 1,000 gpd, that discharge, and only that discharge, would require permitting under the SPDES program. As part of the SEQOR review process, however, the impact of all of the discharges collectively would have to be reviewed.

The bottom line is that if the design flow of any individual system discharging sanitary waste to the groundwater is less than 1,000 gpd, it does not require a SPDES permit.

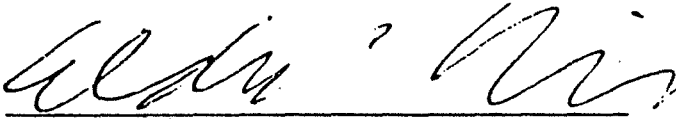

Frederick W. Sievers, P.E.
Environmental Engineer III
Region IV

FWS/ml-36F40

cc: Sal Pagano

Concurrence:
Approved by: 

Gary Peck
Regional Attorney


Eldred Rich
Regional Engineer


Anthony Adamczyk
Regional Director

LAWS OF 1972 ORIGINAL LANGUAGE

5. The permit prescribed by subdivision 1 of this section and title 8 hereof shall not be required for the construction and use of a new or modified disposal system or outlet when such disposal system, point source or outlet is designed to discharge the discharges sewage effluent without the admixture of industrial wastes or other wastes to the ground waters of the state from a private dwelling designed to house less than three families or from ten or less people computed on the basis of twenty-four hour per day occupancy and when the discharge from such disposal system consists of a flow of less than one thousand gallons per day. Nothing contained in this subdivision shall be construed to permit the making or use of an outlet or point source discharging an effluent to the waters of the state in contravention of any standards adopted by the former Water Pollution Control Board or the former Water Resources Commission and continued by this article or adopted by the department or standards, criteria, limitations, rules or regulations promulgated or applied pursuant to title 8 hereof, or discharging an effluent in such a manner as to expose sewage on the ground surface, impair the quality of ground water used for drinking purposes or otherwise create a nuisance or menace to health. A county, city, town or village may adopt and enforce local laws, ordinances and regulations or enforce existing local laws, ordinances and regulations relating to discharges of sewage herein referred to, including local laws, ordinances and regulations requiring a permit for disposal systems, point sources or outlets for such discharges, provide that such local laws, ordinances and regulations are not inconsistent with the provisions of this chapter or the sanitary code.

CIRCA 1984 MODIFIED LANGUAGE

5. The permit prescribed by subdivision 1 of this section and title 8 hereof shall not be required for the construction and use of a new or modified disposal system or outlet when such disposal system, point source or outlet is designed to discharge the discharges sewage effluent without the admixture of industrial wastes or other wastes to the ground waters of the state from premises when the discharge from such disposal system consists of ~~a private dwelling designed to house less than three families or from ten or less people computed on the basis of twenty-four hour per day occupancy and~~ when the discharge from such disposal system consists of a flow of less than one thousand gallons per day. Nothing contained in this subdivision shall be construed to permit the making or use of an outlet or point source discharging an effluent to the waters of the state in contravention of any standards adopted by the former Water Pollution Control Board or the former Water Resources Commission and continued by this article or adopted by the department or standards, criteria, limitations, rules or regulations promulgated or applied pursuant to title 8 hereof, or discharging an effluent in such a manner as to expose sewage on the ground surface, impair the quality of ground water used for drinking purposes or otherwise create a nuisance or menace to health. A county, city, town or village may adopt and enforce additional local laws, ordinances and regulations relating ~~or enforce existing local laws, ordinances and regulations relating~~ to discharges of sewage herein referred to, including local laws, ordinances and regulations requiring a permit for disposal systems,

point sources or outlets for such discharges, provide that such local laws, ordinances and regulations are not inconsistent with the provisions of this chapter or the sanitary code.

1994 CURRENT LANGUAGE

6. The permit prescribed by subdivision 1 of this section and title 8 hereof shall not be required for the construction and use of a new or modified disposal system, point source or outlet when such disposal system, point source or outlet is designed to discharge the discharges sewage effluent without the admixture of industrial wastes or other wastes to the ground waters of the state ~~from~~ premises when such the discharge consists ~~from such disposal system~~ of a flow of less than one thousand gallons per day. Nothing contained in this subdivision shall be construed to permit the making or use of an outlet or point source discharging an effluent to the waters of the state in contravention of any standards adopted by the former Water Pollution Control Board or the former Water Resources Commission and continued by this article or adopted by the department or standards, criteria, limitations, rules or regulations promulgated or applied pursuant to title 8 hereof, or discharging an effluent in such a manner as to expose sewage on the ground surface, impair the quality of waters of the state ~~ground-water~~ used for drinking purposes or otherwise create a nuisance or menace to health. A county, city, town or village may adopt and enforce additional local laws, ordinances and regulations or enforce existing ~~existing~~ local laws, ordinances and regulations relating to discharges of sewage herein referred to, including local laws, ordinances and regulations requiring a permit for disposal systems, point sources or outlets for such discharges, provide that such local laws, ordinances and regulations are not inconsistent with the provisions of this chapter or the sanitary code.